

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA
OFFICE OF THE CLERK**
www.ned.uscourts.gov

Denise M. Lucks
Clerk of Court

M. Therese Bollerup
Chief Deputy Clerk

February 27, 2008

USDC- Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: **Kent E. Butler**
USDC-NE 8:00CR3351
USDC-CA

Dear Clerk:

CP 08 54 V12

Pursuant to the transfer order filed in our court on February 26, 2008, the probation/supervision of the above-mentioned individual is transferred to the Northern District of California.

Enclosed are the following documents along with a certified copy of the updated docket sheet:

1. Certified copy of the Indictment;
2. Certified copy of the Judgment & Commitment Order (with conditions of supervision);
3. Certified copy of Transfer of Jurisdiction Order.

Please acknowledge receipt of these documents at the bottom of this letter as indicated and return it to the office. Thank you for your assistance.

Sincerely,

DENISE M. LUCKS, Clerk

By: s/ Kamala B. Jewett
Deputy Clerk

Enclosures

cc: Chief Probation Officer - NE (without enclosures)
Chief Probation Officer - CA (without enclosures)

The above-referenced documents were received by the U.S. District Court for the Northern District of California on _____ by _____.

Receiving Court's Assigned Case No: _____

111 South 18th Plaza, Suite 1152
Omaha, NE 68102-1322
(402) 661-7350
Fax: (402) 661-7387
Toll Free: (866) 220-4381

100 Centennial Mall North, Room 593
Lincoln, NE 68508-3803
(402) 437-5225
Fax: (402) 437-5651
Toll Free: (866) 220-4379

COPY

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Date Signature

Receiving Court's Assigned Case No: _____

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Toll Free: (866) 220-4379

CLOSED

**U.S. District Court
District of Nebraska (8 Omaha)
CRIMINAL DOCKET FOR CASE #: 8:00-cr-00351-JFB All Defendants
Internal Use Only**

Case title: USA v. Butler, et al

Date Filed: 12/14/2000

Date Terminated: 07/24/2001

Assigned to: Chief Judge Joseph F.
Bataillon

Defendant (1)

Kent E. Butler
TERMINATED: 07/24/2001

represented by **Kirk E. Naylor, Jr.**
NAYLOR LAW FIRM
1111 Lincoln Mall
Suite 300
Lincoln, NE 68508-3908
(402) 474-5529
Fax: (402) 474-1114
Email: naylorlaw@hotmail.com
TERMINATED: 07/24/2001
ATTORNEY TO BE NOTICED
Designation: Retained

Mark E. Rappl
NAYLOR LAW FIRM
1111 Lincoln Mall
Suite 300
Lincoln, NE 68508-3908
(402) 474-5529
Fax: (402) 474-1114
Email: naylorlaw@hotmail.com
TERMINATED: 07/24/2001
ATTORNEY TO BE NOTICED
Designation: Retained

I certify this to be a true copy of
the original record in my custody.

OFFICE OF THE CLERK

By  Deputy Clerk

Pending Counts

21:846 Conspiracy to distribute cocaine
(1)

Disposition

Defendant pleaded guilty to Count I of
the indictment and is committed to the
custody of the BOP for a term of 87
months; dft is ordered to self-surrender
to the designated BOP facility w/in 30

days of dft's sentencing hearing
(7/20/01); 5 years SR w/special
conditions; \$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841(a)(1) Possession with intent to
distribute cocaine
(2)

Disposition

Count II of the indictment is dismissed
on the mtn of the United States as to
this dft only

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: Chief Judge Joseph F.
Bataillon

Defendant (2)

Keith T. Pyburn
TERMINATED: 03/30/2001

represented by **Karen M. Shanahan**
FEDERAL PUBLIC DEFENDER'S
OFFICE - OMAHA
One Central Park Plaza
222 South 15th Street
Suite 300N
Omaha, NE 68102
(402) 221-7896
Fax: (402) 221-7884
Email: karen_shanahan@fd.org
TERMINATED: 03/30/2001
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

21:846 Conspiracy to distribute cocaine
(1)

Pursuant to Rule 48(a) of the FRCP and by lv of court the US Atty hereby dismisses the indictment against Keith Pyburn

21:841(a)(1) Possession with intent to distribute cocaine
(2)

Pursuant to Rule 48(a) of the FRCP and by lv of court the US Atty hereby dismisses the indictment against Keith Pyburn

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

United States of America

represented by **Kimberly C. Bunjer**
ASSISTANT UNITED STATES
ATTORNEY - OMAHA
1620 Dodge Street
Suite 1400
Omaha, NE 68102-1506
(402) 661-3700
Fax: (402) 661-3080
Email: kim.bunjer@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/14/2000	1	INDICTMENT by US Attorney naming Kent E. Butler (1) and Keith T. Pyburn (2) count 1 in violation of 21:846 Conspiracy to distribute cocaine and count 2 in violation of 21:841(a)(1) Possession with intent to distribute cocaine with request for trial at Omaha, NE (JLS) (Entered: 12/15/2000)
12/14/2000		(Court only) Docket Modification (Utility Event) case referred to Magistrate Judge Thomas D. Thalken as to defendant Kent E. Butler, defendant Keith T. Pyburn (JLS) (Entered: 12/15/2000)
12/15/2000		ARREST Warrant issued by Deputy Clerk for Kent E. Butler, Keith T. Pyburn (JLS) (Entered: 12/15/2000)
12/19/2000	2	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: electronic recorder initial appearance and arraignment; appointment of counsel requested and Attorney Karen M. Shanahan appointed and present; plea entered: not guilty; dft does request discovery material pursuant to Rule 16; govt does adopt open file policy regarding

		discovery; progression order issued; time reserved for hearing on any pretrial mtns is 01/19/01 at 9:00 a.m.; govt's oral mtn for detention pending; written order of temporary detention issued; detention hearing set for 11:00 a.m. on 12/21/00 dft remanded to cust of USM as to defendant Keith T. Pyburn (MBB) (Entered: 12/21/2000)
12/19/2000	3	ORDER by Magistrate Judge Thomas D. Thalken appointing the Federal Public Defender as to defendant Keith T. Pyburn - COPIES MAILED (MBB) (Entered: 12/21/2000)
12/19/2000	4	RECEIPT for copy of indictment by defendant Keith T. Pyburn (MBB) (Entered: 12/21/2000)
12/19/2000	5	ORDER FOR THE PROGRESSION OF A CRIMINAL CASE by Magistrate Judge Thomas D. Thalken - pretrial motions due 1/8/01 - discovery due 12/26/00 - jury trial set for 9:00 a.m. on 2/12/01 for Keith T. Pyburn - COPIES HANDED OUT IN COURTROOM (MBB) (Entered: 12/21/2000)
12/19/2000	6	ORDER OF TEMPORARY DETENTION by Magistrate Judge Thomas D. Thalken pending hearing pursuant to Bail Reform Act - detention hearing set for 11:00 a.m. on 12/21/00 for Keith T. Pyburn - COPIES MAILED (MBB) (Entered: 12/21/2000)
12/19/2000	7	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: electronic recorder initial appearance; appointment of counsel waived; govt's oral mtn for detention pending; arraignment and detention hearing are scheduled for 12/21/00 at 11:00 a.m.; written order of temporary detention issued; dft remanded to cust of USM as to defendant Kent E. Butler (MBB) (Entered: 12/21/2000)
12/19/2000	8	ORDER OF TEMPORARY DETENTION by Magistrate Judge Thomas D. Thalken pending hearing pursuant to Bail Reform Act - detention hearing set for 11:00 a.m. on 12/21/00 for Kent E. Butler - COPIES MAILED (MBB) (Entered: 12/21/2000)
12/21/2000	9	ARREST Warrant returned executed as to Keith T. Pyburn on 12/18/00 (KMG) (Entered: 12/22/2000)
12/21/2000		DEFENDANT Keith T. Pyburn arrested on 12/18/00 (KMG) (Entered: 12/22/2000)
12/21/2000	10	ARREST Warrant returned executed as to Kent E. Butler on 12/18/00 (KMG) (Entered: 12/22/2000)
12/21/2000		DEFENDANT Kent E. Butler arrested on 12/18/00 (KMG) (Entered: 12/22/2000)
12/21/2000	11	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: Electronic Recorder; dft Kent E. Butler arraigned; plea entered: Not Guilty on all counts; Attorney present; detention hearing held; dft does request discovery material pursuant to Rule 16; gov't does adopt open file policy regarding discovery; court takes judicial notice of US Pretrial Services report; dft released on recognizance signature bond;

		progression order entered; time reserved for hrg on any pretrial mtns is 1/19/20001 at 9:00 a.m.; written order setting conds of release issued (KMG) (Entered: 12/22/2000)
12/21/2000	12	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: Electronic Recorder as to defendant Keith T. Pyburn; detention hearing held; court takes judicial notice of US Pretrial Services report; dft released on recognizance signature bond; time reserved for hrg on any pretrial mtns is 1/19/2001 at 9:00 a.m.; written order setting conds of release issued (KMG) (Entered: 12/22/2000)
12/21/2000	13	ORDER by Magistrate Judge Thomas D. Thalken setting conditions of release for Kent E. Butler - COPIES HANDED OUT IN COURTROOM (KMG) (Entered: 12/22/2000)
12/21/2000	14	ORDER by Magistrate Judge Thomas D. Thalken setting conditions of release for Keith T. Pyburn - COPIES HANDED OUT IN COURTROOM (KMG) (Entered: 12/22/2000)
12/21/2000	15	ORDER FOR THE PROGRESSION OF A CRIMINAL CASE by Magistrate Judge Thomas D. Thalken - pretrial motions due 1/10/2001 - discovery due 12/28/2000 - jury trial set for 9:00 a.m. on 2/12/2001 for Kent E. Butler - COPIES HANDED OUT IN COURTROOM (KMG) (Entered: 12/22/2000)
12/22/2000	16	RECEIPT of copy of indictment by defendant Kent E. Butler (KMG) (Entered: 12/22/2000)
12/22/2000	17	ATTORNEY APPEARANCE for defendant Kent E. Butler by attorney Mark E. Rappl; Kirk E. Naylor Jr. (KMG) (Entered: 12/22/2000)
01/10/2001	18	MOTION by defendant Kent E. Butler to extend time to file pretrial motions (SED) (Entered: 01/10/2001)
01/10/2001		TRANSMITTAL OF DOCUMENTS re: [18-1] to Omaha (SED) (Entered: 01/10/2001)
01/11/2001	19	ORDER by Magistrate Judge Thomas D. Thalken granting motion to extend time to file pretrial motions [18-1]; dft is given until on or before 1/18/01 to file pretrial motions; the time between 1/11/01 and 1/18/01 shall be deemed excludable as to defendant Kent E. Butler - COPIES MAILED (JLS) (Entered: 01/11/2001)
01/18/2001	20	MOTION by defendant Kent E. Butler to suppress evidence , and request for evidentiary hearing (SED) (Entered: 01/18/2001)
01/18/2001	21	MOTION by defendant Kent E. Butler to continue evidentiary hearing from 1/19/01 (SED) (Entered: 01/18/2001)
01/18/2001		TRANSMITTAL OF DOCUMENTS re: [20-1], [20-2], [21-1] to Omaha (SED) (Entered: 01/18/2001)
01/22/2001	22	ORDER by Magistrate Judge Thomas D. Thalken granting dft's motion to continue evidentiary hearing from 1/19/01 [21-1]; re: dft Kent E.

		Butler's motion to suppress evidence [20-1] - motion hearing set for 9:00 2/2/01; granting dft's motion request for evidentiary hearing [20-2] as to defendant Kent E. Butler - COPIES MAILED (JAE) (Entered: 01/22/2001)
01/31/2001	23	SEALED (JSF) (Entered: 02/01/2001)
02/01/2001	24	ORDER by Magistrate Judge Thomas D. Thalken granting motion SEALED [23-1] - evidentiary hearing is rescheduled for 1:30 on 2/21/01 for Kent E. Butler - COPIES MAILED (JSF) (Entered: 02/01/2001)
02/20/2001	25	CONSENT/ORDER by Magistrate Judge Thomas D. Thalken re: Keith T. Pyburn re: modifying conditions of release - COPIES MAILED (JSF) (Entered: 02/20/2001)
02/20/2001	26	MOTION by defendant Kent E. Butler to withdraw his motion to suppress (filing 20) (RDB) (Entered: 02/20/2001)
02/21/2001		TRANSMITTAL OF DOCUMENTS re: [26-1] to Omaha (RDB) (Entered: 02/21/2001)
02/22/2001	27	SEALED (JLS) (Entered: 02/23/2001)
02/23/2001	28	ORDER by Judge Joseph F. Bataillon granting the dft's motion to withdraw his motion to suppress (filing 20) [26-1]; The motion to to suppress evidence [20-1] shall be termed on the docket as to defendant Kent E. Butler. - COPIES MAILED (ICMSUSER) (Entered: 02/23/2001)
02/23/2001	29	TRIAL ORDER by Magistrate Judge Thomas D. Thalken - jury trial set for 8:30 a.m. on 4/2/01 for dfts Kent E. Butler and Keith T. Pyburn - COPIES MAILED (ICMSUSER) (Entered: 02/23/2001)
02/27/2001		(Court only) (Utility Event) - Terminating Deadline(s) (NCD) (Entered: 02/27/2001)
03/19/2001	30	TRIAL ORDER by Magistrate Judge Thomas D. Thalken - jury trial set for 8:30 a.m. on 4/2/01 for dfts Kent E. Butler and Keith T. Pyburn - COPIES MAILED (ICMSUSER) (Entered: 03/19/2001)
03/30/2001	31	PLEA Agreement as to Kent E. Butler (JAE) (Entered: 03/30/2001)
03/30/2001	32	ORDER FOR DISMISSAL by Judge Joseph F. Bataillon Pursuant to Rule 48(a) of the FRCP and by lv of court the US Atty hereby dismisses the indictment against Keith Pyburn as to defendant Keith T. Pyburn - COPIES MAILED (JAE) (Entered: 03/30/2001)
04/13/2001	33	ORDER by Judge Joseph F. Bataillon - change of plea hearing set for 3:30 on 4/26/01 for Kent E. Butler - COPIES MAILED (DKM) (Entered: 04/13/2001)
04/26/2001	34	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; defendant withdraws plea of not guilty as to Ct I; guilty plea entered; , plea and plea agreement not accepted; PSI requested; bond continued - sentencing set for 9:30 a.m. 7/20/01 ; PSI packet handed to counsel for defendant as to defendant Kent E. Butler (NCD) (Entered: 04/26/2001)

		04/27/2001)
04/26/2001	35	ORDER ON SENTENCING SCHEDULE by Judge Joseph F. Bataillon - sentencing set for 9:30 a.m. 7/20/01 as to defendant Kent E. Butler - COPIES MAILED (NCD) (Entered: 04/27/2001)
04/26/2001	36	PETITION to enter plea of guilty by defendant Kent E. Butler (Plea Agreement attached). (NCD) (Entered: 04/27/2001)
06/28/2001	37	ADOPTION of Presentence Report by plaintiff USA as to defendant Kent E. Butler (MKR) (Entered: 06/29/2001)
07/02/2001	38	STATEMENT OF POSITION by defendant Kent E. Butler (JSF) (Entered: 07/03/2001)
07/20/2001	39	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Al Kuhlman - dft sent to 87 mos BOP; 5 yrs SR; SA \$100; plea and plea agreement accepted; on motion of the govt, ct II of the indictment is dismissed as to this dft only; dft to self surrender to designated BOP facility within 30 days from today's date of July 20, 2001; crt recommends the 500 hour, 9 month comprehensive drug program and that the defendant be placed in FCI Lompac, CA to be near his family as to defendant Kent E. Butler (PCV) (Entered: 07/23/2001)
07/20/2001	40	EXHIBIT LIST by defendant Kent E. Butler from hearing held on 7/20/01 as to defendant Kent E. Butler (PCV) (Entered: 07/23/2001)
07/24/2001	41	JUDGMENT and COMMITMENT regarding minutes of 7/20/01 [39-1] sentencing Kent E. Butler (1) count 1. Defendant pleaded guilty to Count I of the indictment and is committed to the custody of the BOP for a term of 87 months; dft is ordered to self-surrender to the designated BOP facility w/in 30 days of dft's sentencing hearing (7/20/01); 5 years SR w/special conditions; \$100 SA ; Count II of the indictment is dismissed on the mtn of the United States as to this dft only , by Judge Joseph F. Bataillon - COPIES MAILED (JAE) (Entered: 07/26/2001)
08/17/2001	42	ORDER by Judge Joseph F. Bataillon that upon the oral request by dft's atty; it is ordered that dft's self surrender date to the BOP facility is extended; the dft shall self surrender on or before 09/28/01 as to defendant Kent E. Butler - COPIES MAILED (DKM) (Entered: 08/17/2001)
08/22/2001	43	SEALED (TJS) (Entered: 08/24/2001)
11/13/2001	44	JUDGMENT and Commitment returned executed as to defendant Kent E. Butler (JSF) Modified on 11/14/2001 (Entered: 11/13/2001)
12/24/2001	45	CJA Form 20 (Attorney Payment Voucher) for Keith T. Pyburn (TJS) Modified on 01/07/2002 (Entered: 12/27/2001)
04/08/2002	46	NOTICE by Clerk of intent to destroy defendant's exhibits re: defendant Kent E. Butler - COPIES MAILED (KMG) (Entered: 04/09/2002)
04/09/2002		(Court only) (Utility Event) - Terminating exhibit Deadline (KMG)

		(Entered: 04/09/2002)
04/29/2002	47	ORDER by Judge Joseph F. Bataillon that dft's exhibits may be destroyed as to defendant Kent E. Butler - COPIES MAILED (KMG) (Entered: 04/29/2002)
05/03/2002		DFT'S EXHIBIT #1 FROM 7/20/2001 HRG DESTROYED on 5/3/2002 by Clerk of Court as to defendant Kent E. Butler (KMG) (Entered: 05/03/2002)
02/26/2008	48	Probation Jurisdiction Transferred to USDC-Northern District of California as to Kent E. Butler. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet as to defendant Kent E. Butler. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 02/27/2008)
02/27/2008	49	Transmittal Letter to the USDC-Northern District of California enclosing certified copies of the Indictment <u>1</u> , Judgment & Commitment Order <u>41</u> , Transfer of Jurisdiction Order <u>48</u> , and docket sheet as to defendant Kent E. Butler (KBJ) (Entered: 02/27/2008)

W _____ S _____ NP _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

00 DEC 14 PM 1:11

GARY D. McFARLAND
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENT E. BUTLER,
KEITH T. PYBURN,

Defendants,

8:00CR 351

INDICTMENT

(21 U.S.C. § 846,
21 U.S.C. § 841 (a)(1))

JUDGE BATAILLON

The Grand Jury charges:

**MAGISTRATE JUDGE
THALKEN**

COUNT I

Between on or about November 1, 2000, and on or about November 19, 2000, in the District of Nebraska and elsewhere, the Defendants, KENT E. BUTLER, and KEITH T. PYBURN, did willfully and knowingly combine, conspire, confederate and agree together and with other persons known and unknown to the Grand Jury to distribute and possess with the intent to distribute more than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1).

In violation of Title 21, United States Code, Section 846.

COUNT II

On or about November 19, 2000, in the District of Nebraska, the Defendants, KENT E. BUTLER, and KEITH T. PYBURN, did knowingly and intentionally possess with the intent to distribute more than 5 kilograms of a mixture or substance containing a detectable amount of

I certify this to be a true copy of
the original record in my custody.

OFFICE OF THE CLERK

By *Kamala B. Smith*
Deputy Clerk

SPB/
TPT

cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841 (a)(1).

A TRUE BILL



FOREPERSON



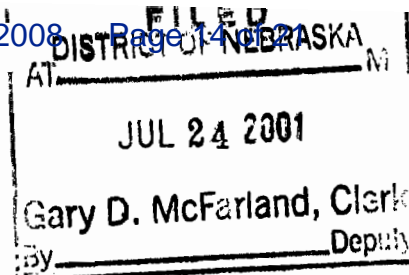
for THOMAS J. MONAGHAN
United States Attorney

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.



KIMBERLY C. BUNJER
Special Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA



UNITED STATES OF AMERICA

Plaintiff

-vs-

Case Number 8:00CR351

KENT E. BUTLER

Defendant

Kirk E. Naylor, Jr.
Defendant's Attorney

41
je

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant pleaded guilty to Count I of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s) which involves the following offense(s):

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>DATE OFFENSE CONCLUDED</u>	<u>COUNT</u>
.21 U.S.C. 846 & 841(a)(1)	Conspiracy to Distribute and Possess with Intent to Distribute Cocaine	November 19, 2000	I

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count II of the Indictment is dismissed on the motion of the United States as to this defendant only.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. No.
Defendant's Date of Birth:
Dft's U.S. Marshal No.: 16988-047

Date of Imposition of Sentence:
July 20, 2001

Defendant's Mailing Address:
1109 Shoreview Court
Bay Point, CA 94565

Defendant's Residence Address:
Same

JOSEPH F. BATAILLON
UNITED STATES DISTRICT JUDGE

ORDER MAILED

7/24/01

✓ All Cnsl of Record
✓ U.S. Marshal
✓ U.S. Pretrial Services
✓ U.S. Probation

I certify this to be a true copy of
the original record in my custody.

July 24, 2001

OFFICE OF THE CLERK

By
Deputy Clerk

41

Defendant: KENT E. BUTLER
Case Number: 8:00CR351

Page 2 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **eighty-seven (87) months**.

The Court makes the following recommendations to the Bureau of Prisons:

1. That the defendant participate in the 500-hour Comprehensive Drug Treatment Program or any similar drug treatment program available.
2. That the defendant be incarcerated at FCI Lompoc, California, or as close to the San Francisco area as possible.

The defendant is ordered to self-surrender to the designated Bureau of Prisons facility within 30 days of defendant's sentencing hearing (July 20, 2001).

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this ____ day of _____, _____

Signature of Defendant

RETURN

It is hereby acknowledged that the defendant was delivered on the ____ day of _____, _____ to _____, with a certified copy of this judgment.

UNITED STATES WARDEN

By: _____

NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt , above.

CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this ____ day of _____, _____

UNITED STATES WARDEN

By: _____

4/1

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **five (5) years**.

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

1. The defendant shall be subject to the search of the defendant's premises, vehicle or person, day or night, with or without a warrant, at the request of the United States Probation officer to determine the presence of alcohol and/or controlled substances, firearms or any other contraband. Any such items found may be seized by the United States Probation officer. This condition may be invoked with or without the cooperation of law enforcement officers.
2. The defendant shall attend, pay for and successfully complete any diagnostic evaluation, treatment or counseling program, or approved support groups (e.g., AA/NA) for alcohol and/or controlled substance abuse, as directed by the United States Probation officer.
3. The defendant shall provide the United States Probation officer with access to any requested financial information.
4. Pursuant to 18 U.S.C. § 3583 (d), the defendant shall submit to a drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter to determine whether the defendant is using a controlled substance. Further, the defendant shall submit to such testing as requested by any United States Probation officer to detect the presence of controlled substances in the defendant's body fluids and to determine whether the defendant has used any of those substances. The defendant shall pay for the collection of urine samples to be tested for the presence of controlled substances.
5. The defendant shall report to the Supervision Unit of the United States Probation Office for the District of Nebraska between the hours of 8:00am and 4:30pm, 111 South 18th Plaza, Suite C79, Omaha Nebraska, (402) 661-7555, within seventy-two (72) hours of release from confinement.

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STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

1. the defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities (including, but not limited to, complying with the terms of any court order or administrative process pursuant to the law of a state, the District of Columbia, or any other possession or territory of the United States requiring payments by the defendant for the support and maintenance of any child or of a child and the parent with whom the child is living);
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least **ten (10) days prior** to any change in residence or employment;
8. the defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered or other places specified by the court;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within **72 hours** of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of the risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
15. the defendant shall not own, possess or control any firearms or ammunition, destructive devices or dangerous weapons;
16. the defendant shall pay any special assessment, fine, or restitution obligation imposed by this judgment that remains unpaid at the commencement of the term of probation or supervised release in accordance with the payment schedule of criminal monetary penalties set forth in this judgment; and
17. the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay any unpaid amount of restitution, fines, or special assessments.

These conditions are in addition to any other conditions imposed by this Judgment.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

Total Assessment**\$100****Total Fine****\$0****Total Restitution****\$0****FINE**

No fine imposed.

RESTITUTION

No restitution was ordered.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) costs of prosecution; (5) interest; (6) penalties.

Payment of the total fine and criminal monetary penalties shall be due as follows:

In full and due immediately.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 111 S. 18th Plaza, Suite 1152, Omaha, NE 68102-1322.

Any payment ordered under Part II, must comply with 18 U.S.C. § 3572, 18 U.S.C. § 3664(n), and include a provision under 18 U.S.C. § 3664(k) in which defendant must notify the court of any material changes in defendant's economic circumstances. Upon such notice, the Court may adjust the installment payment schedule.

Special instructions regarding the payment of criminal monetary penalties pursuant to 18 U.S.C. § 3664(f)(3)(A):

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. In the event the entire amount of monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.

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Defendant: KENT E. BUTLER
Case Number: 8:00CR351

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STATEMENT OF REASONS

The presentence report has been prepared and submitted to the parties and to the Court. The government accepted and adopted the presentence report. The defendant objected to the presentence report regarding ¶ 21. Defendant stated that he qualified for a 2-level reduction as a minor participant pursuant to U.S.S.G. 3B1.2. After hearing on the matter, the Court sustains defendant's objection and finds that the defendant qualifies for a 2-level reduction for his role as a minor participant.

The Court has reviewed the presentence report and now adopts the report and the facts set forth therein as its findings of fact for the purposes of sentencing to the extent consistent with the finding above. The Court determines that the applicable guidelines are:

GUIDELINE RANGE DETERMINED BY THE COURT:

Base Offense Level:	36
Specific Offense Characteristics:	-2
Adjustment for Role in Offense:	-2
Adjustment for Acceptance of Responsibility:	-3
Total Offense Level:	29
Criminal History Category:	I
Imprisonment Range:	87-108 months
Supervised Release Range:	3-5 years
Fine Range:	\$15,000-4,000,000

The defendant and his counsel advised the Court there was no reason not to proceed with the sentencing at this time. Accordingly, both the defendant and his attorney and the government were given an opportunity for allocution.

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

The sentence is within the guideline range, and the Court finds no reason to depart from the sentence called for by application of the guidelines.

Considering the range of sentences available under the guidelines, the need to punish the defendant and to deter him and others from further criminal conduct of the kind in which the defendant was involved, the Court finds the defendant should be committed to the Bureau of Prisons for a period of **eighty-seven (87) months** followed by **five (5) years** of supervised release subject to the special terms and conditions set forth in the judgment including sentence filed by the Court.

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Defendant: KENT E. BUTLER
Case Number: 8:00CR351

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Following the imposition of sentence, the Court advised the defendant of his right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

CLERK'S OFFICE USE ONLY:

I certify this to be a true copy of the record in my custody.

GARY D. MCFARLAND, CLERK

By _____

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ORIGINAL
FILED

FEB - 6 2008

PROB 22

E-filing

Docket No. (Transferring Court) 8:00CR3541
Docket No. (Receiving Court)

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRANSFER OF JURISDICTION

CR 08

0054

Name and Address of Probationer/Supervised Releasee:
Kent E. BUTLER

VRW

District: Nebraska

Division: Omaha

Name of Sentencing Judge: The Honorable Joseph F. Bataillon
Chief U.S. District Judge

E-filing

Dates of Probation/Supervised Release -

From: January 23, 2008

To: January 22, 2013

Offense: Conspiracy to Possess with Intent to Distribute More than 5 Kilograms of Cocaine
21 U.S.C. 841(a)(1) and 846

PART 1 - ORDER TRANSFERRING JURISDICTION

United States District Court for the District of Nebraska

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the Northern District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.

1/31/08
Date

The Honorable Joseph F. Bataillon
Chief U.S. District Judge

The Honorable Joseph F. Bataillon
Chief U.S. District Judge

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
08 FEB 26 PM 3:54
OFFICE OF THE CLERK

PART 2 - ORDER ACCEPTING JURISDICTION

United States District Court for the Northern District of California

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer or supervised releasee be accepted and assumed by this Court from and after the entry of this order.

FEB 6 2008

Effective Date

United States District Judge

I certify this to be a true copy of
the original record in my custody.

OFFICE OF THE CLERK

By: Kamala B. [Signature]
Deputy Clerk

008-54 VRW